

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

NORFOLK SOUTHERN RAILWAY)	
COMPANY)	
)	
Plaintiff)	
)	
v.)	CASE No. 3:03-CV-665 RM
MURPHY, <i>et al.</i> ,)	Consolidated with Case No. 3:04-CV-319RM
)	
Defendants)	
)	
)	
_____)	
)	
KEVIN RICHARDSON)	
)	
Plaintiff)	
v.)	
)	
NORFOLK SOUTHERN RAILWAY)	
COMPANY)	
)	
Defendant)	

MEMORANDUM OF SCHEDULING CONFERENCE and ORDER

On March 16 the court held a scheduling conference in the above matters. George Brugess appeared on behalf of Mr. Richardson, Trent Klingerman appeared on behalf of Norfolk Southern Railway, and Art Vanderaa appeared pro se.

In regards to the lead case, Norfolk Southern orally moved to dismiss the remaining claim against Mr. Vanderaa with prejudice and the remaining claim against Mr. Richardson with prejudice arising from its complaint filed in 3:03cv665. The court GRANTED the motions and, with no further issues requiring resolution, ORDERED the case numbered 3:03cv665 closed without objection.

As to the remaining case, 3:04cv319, the parties agreed to set the matter for trial on August 28, 2006 at 9:30 a.m. (South Bend Time). The Final Pretrial Conference is set for August 15, 2006 at 9:00 a.m. (South Bend Time) with the Final Pretrial Order to be filed by Norfolk Southern on or by August 8, 2006. Additionally, the court re-opened discovery for a reasonable time with respect to Mr. Richardson's new back surgery.

This order should be docketed in both 3:03cv665 and 3:04cv319.

SO ORDERED.

Dated: March 17, 2006

s/ Robert L. Miller, Jr.
Robert L. Miller, Jr., Chief Judge
United States District Court

cc: Counsel of record
A. Vanderaa